

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0372-AIR-E TCEQ ID: RN102574803 CASE NO.: 32896
RESPONDENT NAME: EXXON MOBIL CORPORATION

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 5000 Bayway Drive, Baytown, Harris County</p> <p>TYPE OF OPERATION: Chemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are 4 pending enforcement actions regarding this facility: 2007-1450-AIR-E, 2007-1645-AIR-E, 2007-1700-AIR-E, and 2007-1748-AIR-E (all at SOAH)</p> <p>INTERESTED PARTIES: No complaints have been received. No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 9, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Alfred Oloko, Litigation Division, MC R-12, (713) 422-8918 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Air Enforcement Section, MC R-12, (713) 422-8938 TCEQ Regional Contact: Mr. Manuel Bautista, Houston Regional Office, MC R-12, (713) 767-3678 Respondent: Mr. Zeb Nash, BTCP Site Manager, Exxon Mobil, 5000 BayWay Drive, Baytown, Texas 77552-4004 Respondent's Attorney: Mr. George J. Rizzo, Attorney, Exxon Mobil Corporation, 800 Bell Street, Suite 1805F, Houston, Texas 77002</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: October 24, through November 1, 2006.</p> <p>Date of NOE Relating to this Case: February 22, 2007</p> <p>Background Facts: The EDPRP in this case was filed on October 26, 2007. The Respondent filed an Answer on November 8, 2007. After failed settlement attempts, the case was referred to SOAH on January 9, 2008. The Preliminary Hearing convened on February 21, 2008 and the case went into the discovery stage. Witnesses were deposed on June 4, 5, 19, and 20, 2008. The parties achieved settlement and the ED received a signed Agreed Order on December 16, 2008</p> <p>Current Compliance Status: No outstanding Technical Requirements.</p> <p>AIR:</p> <p>1. Failed to maintain the minimum net heating value of 300 British thermal units per cubic foot at standard operating conditions (Btu/scf) in the gas stream to Flare 24 for a total of 2,114 hours from February 1 through October 26, 2006 [30 TEX. ADMIN. CODE § 116.115(c) and 122.143(4); 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 61.349(a)(2)(iii), 63.11(b)(6)(ii) and 63.113(a)(1)(i); TEX. HEALTH & SAFETY CODE § 382.085(b); Permit No. 4600, Special Condition No. 3A; and Permit No. O-1278, Special Condition Nos. 1A and 17].</p> <p>2. Failed to maintain complete records of semiannual visual inspections of individual drain systems [30 TEX. ADMIN. CODE §§ 115.146(2) and 122.143(4); 40 CFR § 63.147(b)(1); TEX. HEALTH & SAFETY CODE § 382.085(b); and Permit No. O-1278, Special Condition No. 1A].</p>	<p>Total Assessed: \$22,016</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$22,016</p> <p>The Respondent has paid \$22,016 of the administrative penalty in full.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Action Taken:</p> <p>The Executive Director recognizes that the Respondent implemented the following corrective measures:</p> <ol style="list-style-type: none"> Submitted a Notification of Compliance Status ("NOCS") for the Benzene Hydrating Unit ("BHU") T-150 Steam Stripper on August 29, 2005; and Properly reported excursions of the column overhead temperature in periodic reports dated August 29, 2005 and February 28, 2006; and Submitted a NOCS for the BHU T-150 Steam Stripper on August 29, 2005; and Properly reported excursions of the column overhead temperature in periodic reports dated August 29, 2005 and February 28, 2006; and Revised the inspection recordkeeping system in November 2006 to ensure records of semi-annual inspection of individual drain systems are met in accordance with 40 CFR § 63.147(b)(1) and 30 Tex. Admin. Code § 115.146(2); and Installed piping in February 2007 to provide supplemental btu value to Flare 24 to ensure that combined natural gas and waste streams to Flare 24 meets the net heating value of 300 Btu/scf, in accordance with 40 CFR § 60.11(b)(6)(ii).

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>3. Failed to submit an updated NOCS for the BHU T-150 Steam Stripper within 180 days after the change in the established operating range was made [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); 40 CFR § 63.151(j)(2); TEX. HEALTH & SAFETY CODE § 382.085(b); Permit No. 20211, Special Condition Nos. 3-5; and Permit No. O-1278, Special Condition Nos. 1A and 17].</p> <p>4. Failed to report excursions which occurred on the column overhead temperature of the BHU T-150 Steam Stripper in periodic reports dated December 15, 2004 and February 25, 2005 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); 40 CFR § 63.146(d)(2); TEX. HEALTH & SAFETY CODE § 382.085(b); Permit No. 20211, Special Condition Nos. 3-5; and Permit No. O-1278, Special Condition Nos. 1A and 17].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES	Assigned	26-Feb-2007	Screening	12-Mar-2007	EPA Due	19-Nov-2007
	PCW	11-Aug-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Exxon Mobil Corporation		
Reg. Ent. Ref. No.	RN102574803		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	32896	No. of Violations	4
Docket No.	2007-0372-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	John Muennink
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$8,600**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **Subtotals 2, 3, & 7** **\$13,416**

Notes Enhancement due to 13 NOVs with same or similar violations, three NOVs with unrelated violations (including two self-reported monthly effluent violations), three 1660 Agreed Orders, and one Findings Order.

Culpability **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts **Subtotal 6** **\$0**

Approx. Cost of Compliance **0% Enhancement***

**Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$22,016**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$22,016**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$22,016**

DEFERRAL **Reduction** **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral because this is not an expedited settlement.

PAYABLE PENALTY **\$22,016**

Screening Date 12-Mar-2007

Docket No: 2007-0372-AIR-E

PGW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 32896

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102574803

Media [Statute] Air Quality

Enf. Coordinator John Muennink

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	13	65%
	Other written NOV's	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 156%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement due to 13 NOV's with same or similar violations, three NOV's with unrelated violations (including two self-reported monthly effluent violations), three 1660 Agreed Orders, and one Findings Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 156%

Screening Date 12-Mar-2007

Docket No. 2007-0372-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 32896

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102574803

Media [Statute] Air Quality

Enf. Coordinator John Muennink

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 115.146(2) and 122.143(4), 40 CFR § 63.147(b)(1), Tex. Health & Safety Code § 382.085(b) and Permit No. O-1278, Special Condition No. 1A

Violation Description

Failed to maintain complete records of semiannual visual inspections of individual drain systems. Specifically, inspection records for the second quarter of 2005 and the third quarter of 2006 did not include records of the visual inspections of the piping from condenser E-89 to drum D-25 in the Naphtha Rerun Unit.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1%

Matrix Notes

The Respondent has met at least 70% of the rule requirement. Records for two of four drain systems were incomplete.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 2

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty \$100

One single event is recommended for two semi-annual recordkeeping requirements that were incomplete.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$97

Violation Final Penalty Total \$256

This violation Final Assessed Penalty (adjusted for limits) \$256

Economic Benefit Worksheet

Respondent: Exxon Mobil Corporation
Case ID No.: 32896
Reg. Ent. Reference No.: RN102574803
Media: Air Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$800	1-Apr-2005	31-Aug-2007	2.4	\$97	n/a	\$97

Notes for DELAYED costs

Estimated expense to maintain semiannual visual inspections of individual drain systems. Date required is the initial date of noncompliance. Final date is the estimated date that corrective actions will be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$800

TOTAL

\$97

Screening Date 12-Mar-2007

Docket No. 2007-0372-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 32896

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102574803

Media [Statute] Air Quality

Enf. Coordinator John Muennink

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), 40 CFR § 63.151(j)(2), Tex. Health & Safety Code § 382.085(b), Permit No. 20211, Special Condition Nos. 3-5 and Permit No. O-1278, Special Condition Nos. 1A and 17

Violation Description Failed to submit an updated Notification of Compliance Status ("NOCS") for the Benzene Hydrofining Unit ("BHU") T-150 Steam Stripper within 180 days after the change in the established operating range was made.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes

The Respondent failed to meet 100% of the rule requirement.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$83

Violation Final Penalty Total \$6,400

This violation Final Assessed Penalty (adjusted for limits) \$6,400

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 32896
Reg. Ent. Reference No. RN102574803
Media Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	1-Jan-2004	29-Aug-2005	1.7	\$83	n/a	\$83

Notes for DELAYED costs

Estimated expense to submit an updated NOCS with revisions to the column temperature operating range. Date required is the first known date of change in operating range. Final date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance (2)				0.0	\$0	\$0	\$0
ONE-TIME avoided costs (3)				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$83

Screening Date 12-Mar-2007

Docket No. 2007-0372-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 32896

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102574803

Media [Statute] Air Quality

Enf. Coordinator John Muennink

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), 40 CFR § 63.146(d)(2), Tex. Health & Safety Code § 382.085(b), Permit No. 20211, Special Condition Nos. 3-5 and Permit No. O-1278, Special Condition Nos. 1A and 17

Violation Description Failed to report excursions which occurred in 2004 on the column overhead temperature of the BHU T-150 Steam Stripper in periodic reports dated December 15, 2004 and February 25, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			25%

Matrix Notes

The Respondent failed to meet 100% of the rule requirement.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 Number of violation days 2

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$5,000

Two single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$30

Violation Final Penalty Total \$12,800

This violation Final Assessed Penalty (adjusted for limits) \$12,800

Economic Benefit Worksheet

Respondent: Exxon Mobil Corporation
Case ID No.: 32896
Reg. Ent. Reference No.: RN102574803
Media: Air Quality
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	15-Dec-2004	28-Feb-2006	1.2	\$30	n/a	\$30

Notes for DELAYED costs

Estimated expense to properly report excursions of the column overhead temperature in the BHU T-150 Steam Stripper. Date required is the date of the first periodic report with missing data. Final date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$30

Screening Date 12-Mar-2007

Docket No. 2007-0372-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 32896

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102574803

Media [Statute] Air Quality

Enf. Coordinator John Muennink

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), 40 Code of Fed. Reg. ("CFR") §§ 61.349(a)(2)(iii), 63.11(b(6))(ii) and 63.113(a)(1)(i), Tex. Health & Safety Code § 382.085(b), Permit No. 4600, Special Condition 3A and Permit No. O-1278, Special Condition Nos. 1A and 17

Violation Description Failed to maintain the minimum net heating value of 300 British thermal units per cubic foot at standard operating conditions ("Btu/scf") in the gas stream to Flare 24 for a total of 2,114 hours from February 1 through October 26, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to meet this operating parameter could result in the release of an insignificant amount of pollutants which would not exceed levels protective of human health and the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

89 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,000

One single event is recommended as per the penalty policy.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$55

Violation Final Penalty Total \$2,560

This violation Final Assessed Penalty (adjusted for limits) \$2,560

Economic Benefit Worksheet

Respondent: Exxon Mobil Corporation

Case ID No.: 32896

Reg. Ent. Reference No.: RN102574803

Media: Air Quality

Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$700	1-Feb-2006	31-Aug-2007	1.6	\$55	n/a	\$55

Notes for DELAYED costs

Estimated expense to implement measures designed to ensure that the combined natural gas and waste stream to Flare 24 meets the minimum net heating value of 300 Btu/scf. Date required is the initial date of noncompliance. Final date is the estimated date that corrective action will be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$700	TOTAL	\$55
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Compliance History

Customer/Respondent/Owner-Operator:	CN600123939	Exxon Mobil Corporation	Classification: AVERAGE	Rating: 2.80
Regulated Entity:	RN102574803	EXXONMOBIL CHEMICAL BAYTOWN CHEMICAL PLANT	Classification: AVERAGE	Site Rating: 2.59
ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT		22764
	AIR NEW SOURCE PERMITS	PERMIT		22765
	AIR NEW SOURCE PERMITS	PERMIT		22766
	AIR NEW SOURCE PERMITS	PERMIT		23114
	AIR NEW SOURCE PERMITS	PERMIT		23260
	AIR NEW SOURCE PERMITS	PERMIT		23448
	AIR NEW SOURCE PERMITS	PERMIT		23793
	AIR NEW SOURCE PERMITS	PERMIT		23981
	AIR NEW SOURCE PERMITS	PERMIT		23989
	AIR NEW SOURCE PERMITS	PERMIT		25944
	AIR NEW SOURCE PERMITS	PERMIT		25071
	AIR NEW SOURCE PERMITS	PERMIT		25267
	AIR NEW SOURCE PERMITS	PERMIT		27246
	AIR NEW SOURCE PERMITS	PERMIT		28441
	AIR NEW SOURCE PERMITS	PERMIT		26135
	AIR NEW SOURCE PERMITS	PERMIT		31317
	AIR NEW SOURCE PERMITS	PERMIT		31854
	AIR NEW SOURCE PERMITS	PERMIT		32622
	AIR NEW SOURCE PERMITS	PERMIT		32592
	AIR NEW SOURCE PERMITS	PERMIT		33518
	AIR NEW SOURCE PERMITS	PERMIT		34349
	AIR NEW SOURCE PERMITS	PERMIT		34522
	AIR NEW SOURCE PERMITS	PERMIT		34663
	AIR NEW SOURCE PERMITS	PERMIT		34849
	AIR NEW SOURCE PERMITS	PERMIT		35507
	AIR NEW SOURCE PERMITS	PERMIT		36476
	AIR NEW SOURCE PERMITS	PERMIT		36635
	AIR NEW SOURCE PERMITS	PERMIT		36806
	AIR NEW SOURCE PERMITS	PERMIT		38816
	AIR NEW SOURCE PERMITS	PERMIT		39070
	AIR NEW SOURCE PERMITS	PERMIT		39020
	AIR NEW SOURCE PERMITS	PERMIT		38991
	AIR NEW SOURCE PERMITS	PERMIT		38990
	AIR NEW SOURCE PERMITS	PERMIT		39222
	AIR NEW SOURCE PERMITS	PERMIT		39364
	AIR NEW SOURCE PERMITS	PERMIT		39822
	AIR NEW SOURCE PERMITS	PERMIT		39479
	AIR NEW SOURCE PERMITS	PERMIT		39823
	AIR NEW SOURCE PERMITS	PERMIT		39338
	AIR NEW SOURCE PERMITS	PERMIT		40139
	AIR NEW SOURCE PERMITS	PERMIT		40429
	AIR NEW SOURCE PERMITS	PERMIT		40627
	AIR NEW SOURCE PERMITS	PERMIT		41621
	AIR NEW SOURCE PERMITS	PERMIT		41725
	AIR NEW SOURCE PERMITS	PERMIT		43012
	AIR NEW SOURCE PERMITS	PERMIT		43700
	AIR NEW SOURCE PERMITS	PERMIT		43767
	AIR NEW SOURCE PERMITS	PERMIT		43766
	AIR NEW SOURCE PERMITS	PERMIT		44053
	AIR NEW SOURCE PERMITS	PERMIT		44074
	AIR NEW SOURCE PERMITS	PERMIT		44619
	AIR NEW SOURCE PERMITS	PERMIT		45380
	AIR NEW SOURCE PERMITS	PERMIT		45876
	AIR NEW SOURCE PERMITS	PERMIT		46112
	AIR NEW SOURCE PERMITS	PERMIT		46479
	AIR NEW SOURCE PERMITS	PERMIT		46575
	AIR NEW SOURCE PERMITS	PERMIT		48743
	AIR NEW SOURCE PERMITS	PERMIT		48824
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HG0229F
	AIR NEW SOURCE PERMITS	PERMIT		4600
	AIR NEW SOURCE PERMITS	PERMIT		5259
	AIR NEW SOURCE PERMITS	PERMIT		5792
	AIR NEW SOURCE PERMITS	PERMIT		7743
	AIR NEW SOURCE PERMITS	PERMIT		8388
	AIR NEW SOURCE PERMITS	PERMIT		8586
	AIR NEW SOURCE PERMITS	PERMIT		8942
	AIR NEW SOURCE PERMITS	PERMIT		9571
	AIR NEW SOURCE PERMITS	PERMIT		9674
	AIR NEW SOURCE PERMITS	PERMIT		11241

AIR NEW SOURCE PERMITS	PERMIT	11551
AIR NEW SOURCE PERMITS	PERMIT	13009
AIR NEW SOURCE PERMITS	PERMIT	13015
AIR NEW SOURCE PERMITS	PERMIT	14744
AIR NEW SOURCE PERMITS	PERMIT	14948
AIR NEW SOURCE PERMITS	PERMIT	14949
AIR NEW SOURCE PERMITS	PERMIT	15786
AIR NEW SOURCE PERMITS	PERMIT	17513
AIR NEW SOURCE PERMITS	PERMIT	20211
AIR NEW SOURCE PERMITS	PERMIT	22750
AIR NEW SOURCE PERMITS	REGISTRATION	71881
AIR NEW SOURCE PERMITS	PERMIT	51963
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0229F
AIR NEW SOURCE PERMITS	PERMIT	53782
AIR NEW SOURCE PERMITS	PERMIT	53831
AIR NEW SOURCE PERMITS	PERMIT	53913
AIR NEW SOURCE PERMITS	PERMIT	54172
AIR NEW SOURCE PERMITS	REGISTRATION	55061L001
AIR NEW SOURCE PERMITS	REGISTRATION	75776
AIR NEW SOURCE PERMITS	REGISTRATION	76179
AIR NEW SOURCE PERMITS	REGISTRATION	76270
AIR NEW SOURCE PERMITS	REGISTRATION	55626
AIR NEW SOURCE PERMITS	REGISTRATION	76317
AIR NEW SOURCE PERMITS	REGISTRATION	75416
AIR NEW SOURCE PERMITS	REGISTRATION	55900
AIR NEW SOURCE PERMITS	REGISTRATION	75671
AIR NEW SOURCE PERMITS	PERMIT	56378
AIR NEW SOURCE PERMITS	AFS NUM	4820100014
AIR NEW SOURCE PERMITS	PERMIT	PSDTX997
AIR NEW SOURCE PERMITS	PERMIT	PSDTX996
AIR NEW SOURCE PERMITS	REGISTRATION	70174
AIR NEW SOURCE PERMITS	REGISTRATION	70245
AIR NEW SOURCE PERMITS	REGISTRATION	70244
AIR NEW SOURCE PERMITS	REGISTRATION	70359
AIR NEW SOURCE PERMITS	REGISTRATION	71466
AIR NEW SOURCE PERMITS	REGISTRATION	71451
AIR NEW SOURCE PERMITS	PERMIT	71653
AIR NEW SOURCE PERMITS	REGISTRATION	72234
AIR NEW SOURCE PERMITS	PERMIT	52582
AIR NEW SOURCE PERMITS	PERMIT	52624
AIR NEW SOURCE PERMITS	PERMIT	52815
AIR NEW SOURCE PERMITS	PERMIT	52572
AIR NEW SOURCE PERMITS	PERMIT	52417
AIR NEW SOURCE PERMITS	PERMIT	71513
AIR NEW SOURCE PERMITS	PERMIT	50943
AIR NEW SOURCE PERMITS	PERMIT	50641
AIR NEW SOURCE PERMITS	PERMIT	53222
AIR NEW SOURCE PERMITS	PERMIT	50951
AIR NEW SOURCE PERMITS	PERMIT	50952
AIR NEW SOURCE PERMITS	PERMIT	51028
AIR NEW SOURCE PERMITS	PERMIT	54715
AIR NEW SOURCE PERMITS	REGISTRATION	72451
AIR NEW SOURCE PERMITS	REGISTRATION	72514
AIR NEW SOURCE PERMITS	REGISTRATION	72553
AIR NEW SOURCE PERMITS	REGISTRATION	72845
AIR NEW SOURCE PERMITS	PERMIT	73021
AIR NEW SOURCE PERMITS	REGISTRATION	73031
AIR NEW SOURCE PERMITS	PERMIT	PSDTX996M1
AIR NEW SOURCE PERMITS	REGISTRATION	74086
AIR NEW SOURCE PERMITS	REGISTRATION	74542
AIR NEW SOURCE PERMITS	REGISTRATION	75147
AIR NEW SOURCE PERMITS	REGISTRATION	75248
AIR NEW SOURCE PERMITS	REGISTRATION	76515
AIR NEW SOURCE PERMITS	EPA ID	PSDTX996
AIR NEW SOURCE PERMITS	EPA ID	PSDTX996M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX997
AIR NEW SOURCE PERMITS	REGISTRATION	77577
AIR NEW SOURCE PERMITS	REGISTRATION	77847
AIR NEW SOURCE PERMITS	REGISTRATION	78052
AIR NEW SOURCE PERMITS	REGISTRATION	78572
AIR NEW SOURCE PERMITS	REGISTRATION	78883
AIR NEW SOURCE PERMITS	REGISTRATION	79205
AIR NEW SOURCE PERMITS	REGISTRATION	79626
AIR NEW SOURCE PERMITS	REGISTRATION	79993
AIR NEW SOURCE PERMITS	REGISTRATION	79994
AIR NEW SOURCE PERMITS	REGISTRATION	80253

AIR NEW SOURCE PERMITS	REGISTRATION	80172
AIR NEW SOURCE PERMITS	REGISTRATION	80371
AIR NEW SOURCE PERMITS	REGISTRATION	80411
AIR NEW SOURCE PERMITS	REGISTRATION	80715
AIR NEW SOURCE PERMITS	REGISTRATION	80783
AIR NEW SOURCE PERMITS	REGISTRATION	80920
AIR NEW SOURCE PERMITS	REGISTRATION	80935
AIR NEW SOURCE PERMITS	REGISTRATION	81059
AIR NEW SOURCE PERMITS	REGISTRATION	81081
AIR OPERATING PERMITS	PERMIT	2269
AIR OPERATING PERMITS	PERMIT	1278
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0229F
AIR OPERATING PERMITS	PERMIT	2270
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980809909
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	33880
WASTEWATER	PERMIT	WQ0001215000
WASTEWATER	PERMIT	TX0007013000
WASTEWATER	PERMIT	TX0007013
STORMWATER	PERMIT	TXR05N668
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	33880

Location: 5000 BAYWAY DR, BAYTOWN, TX, 77520 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 01, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 01, 2002 to March 01, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: John Muennink Phone: (361) 825-3423

Site Compliance History Components

- 1. Has the site been in existence and/or operation for the full five year compliance period? Yes
- 2. Has there been a (known) change in ownership of the site during the compliance period? No
- 3. If Yes, who is the current owner? N/A
- 4. If Yes, who was/were the prior owner(s)? N/A
- 5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

- 1 Effective Date: 11/11/2004 ADMINORDER 2003-1138-AIR-E
- Classification: Moderate
- Citation: 30 TAC Chapter 117, SubChapter B 117.205(d)(1)
30 TAC Chapter 117, SubChapter E 117.520(c)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
- Description: Failed to prevent unauthorized emissions of approximately 27 tons per year average of nitrogen oxide (NOX) from Engine EPN EN01CT70 due to a failure to install required control equipment by November 15, 1999.
- Classification: Moderate
- Citation: 30 TAC Chapter 117, SubChapter B 117.219(e)(1)
30 TAC Chapter 117, SubChapter B 117.219(e)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
- Description: Failure to submit semiannual reports within 30 day time frame with all required data.
- Classification: Moderate
- Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
- Description: Failed to prevent unauthorized emissions of 12,000 pounds of propylene from a damaged propylene line in the Propylene Concentration Unit on January 3, 2002 and 216 pounds of benzene from a block valve on a flare line in the Isobutylene Unit.
- Classification: Minor
- Citation: 30 TAC Chapter 113, SubChapter C 113.120
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
- Description: Failure to submit the semi-annual report within 60 days of the reporting period.
- Classification: Minor
- Citation: 30 TAC Chapter 113, SubChapter C 113.120
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include tank TK0112 as a Group 2 tank subject to the HON in the Notification of Compliance Status report dated 9/18/97.

2

Effective Date: 01/26/2006

ADMINORDER 2005-0290-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 28441, S.C. No. 1 PERMIT

Description: Failure to obtain regulatory authority or to meet the requirements of 30 Tex. Admin. Code § 101.211 (relating to Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements) for emissions from the Toluene Disproportionation Unit that occurred from February 2 to February 15, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: #36476 and PSD-TX-996, G.C. #8 PERMIT

Description: Failed to obtain regulatory authority or to meet the demonstration requirements of 30 Tex. Admin. Code § 101.222 for emissions from the Synthetic Gas Unit that occurred on January 11, 2004 (Incident No. 33143).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify in the final record of an emissions event the total quantities of emissions, the preconstruction authorization number or rule citation of the standard permit, permit by rule, or rule governing the facility involved in the emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify in the final record of all scheduled maintenance, startup, and shutdown activities with unauthorized emissions, the common name and the agency-established emission point number where the unauthorized emissions were released.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify in the final record of all scheduled maintenance, startup, and shutdown activities with unauthorized emissions, the compound descriptive type of all individually listed compounds or mixtures of air contaminants.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify in the final record of all scheduled maintenance, startup, and shutdown activities with unauthorized emissions, the preconstruction authorization, rule citation of the standard permit, permit by rule, or rule governing the facility.

3

Effective Date: 06/26/2006

ADMINORDER 2005-2066-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,380 lbs of isobutylene from a pipeline leak during an emissions event that occurred June 9, 2005, and lasted for one hour and 25 minutes.

4

Effective Date: 11/03/2006

ADMINORDER 2006-0393-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 28441, SC No. 1 OP
TCEQ Flexible Air Permit No. 20211, SC01 PERMIT

Description: Failed to prevent the unauthorized emissions of 476 lbs of toluene, 78,842 lbs of VOCs, 669 lbs carbon monoxide, 20,545 lbs of hydrogen chloride, 2,624 lbs of isobutylene, 46 lbs of isoprene, 581 lbs of methyl chloride, 10 lbs of nitrogen dioxide, 93 lbs of nitrogen oxide and exceeded permit limits.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/21/2002	(159955)
2	03/28/2002	(103336)
3	03/28/2002	(121909)

4	04/18/2002	(159960)
5	05/22/2002	(103337)
6	05/22/2002	(121910)
7	05/23/2002	(103338)
8	05/23/2002	(121911)
9	05/31/2002	(103339)
10	05/31/2002	(121912)
11	06/11/2002	(2520)
12	06/21/2002	(1926)
13	06/28/2002	(159964)
14	08/02/2002	(5628)
15	08/02/2002	(159972)
16	08/23/2002	(2745)
17	08/23/2002	(159976)
18	08/26/2002	(159951)
19	08/28/2002	(5782)
20	08/28/2002	(159978)
21	08/28/2002	(159968)
22	08/28/2002	(159963)
23	09/19/2002	(159979)
24	10/21/2002	(159982)
25	12/27/2002	(159990)
26	12/27/2002	(159986)
27	01/16/2003	(159994)
28	02/13/2003	(159953)
29	03/06/2003	(159956)
30	04/02/2003	(27921)
31	04/15/2003	(159961)
32	05/01/2003	(9672)
33	05/14/2003	(159965)
34	06/16/2003	(159969)
35	06/26/2003	(114331)
36	07/22/2003	(159973)
37	08/04/2003	(62432)
38	08/06/2003	(9803)
39	08/07/2003	(147573)
40	08/18/2003	(296146)
41	08/28/2003	(9690)
42	09/18/2003	(296148)
43	10/08/2003	(250530)
44	10/16/2003	(296150)
45	11/18/2003	(296151)
46	12/25/2003	(296152)
47	12/29/2003	(257593)
48	01/13/2004	(296153)
49	02/17/2004	(296136)
50	02/27/2004	(256193)
51	03/09/2004	(296138)
52	04/21/2004	(296139)
53	05/14/2004	(296141)
54	06/17/2004	(296143)
55	06/18/2004	(271860)
56	07/02/2004	(278409)
57	07/30/2004	(273101)
58	08/11/2004	(280899)
59	08/18/2004	(352442)
60	09/20/2004	(352443)
61	10/08/2004	(335492)
62	10/19/2004	(352444)
63	10/26/2004	(292701)
64	11/11/2004	(284685)
65	11/16/2004	(352445)
66	11/22/2004	(338036)
67	11/22/2004	(338690)
68	11/22/2004	(337952)
69	11/22/2004	(337948)
70	11/22/2004	(338047)
71	11/22/2004	(338843)
72	11/22/2004	(337319)
73	11/22/2004	(334483)
74	11/22/2004	(334356)

75	11/22/2004	(338331)
76	12/13/2004	(339134)
77	12/16/2004	(285153)
78	12/20/2004	(381988)
79	12/20/2004	(341168)
80	12/20/2004	(335538)
81	12/22/2004	(338612)
82	12/28/2004	(337940)
83	12/30/2004	(339844)
84	01/03/2005	(342402)
85	01/03/2005	(342396)
86	01/03/2005	(284608)
87	01/04/2005	(338860)
88	01/04/2005	(342245)
89	01/04/2005	(342394)
90	01/04/2005	(339044)
91	01/05/2005	(341023)
92	01/05/2005	(337639)
93	01/06/2005	(342416)
94	01/07/2005	(342256)
95	01/07/2005	(342399)
96	01/18/2005	(381989)
97	01/31/2005	(347494)
98	02/15/2005	(381986)
99	03/04/2005	(372835)
100	03/18/2005	(381987)
101	04/11/2005	(419828)
102	04/12/2005	(376258)
103	04/14/2005	(376753)
104	05/02/2005	(379589)
105	05/02/2005	(379567)
106	05/17/2005	(419829)
107	06/15/2005	(419830)
108	07/14/2005	(397081)
109	07/19/2005	(440961)
110	07/21/2005	(397089)
111	08/17/2005	(440962)
112	08/18/2005	(404411)
113	08/23/2005	(404917)
114	08/24/2005	(405496)
115	08/25/2005	(397815)
116	08/26/2005	(397811)
117	08/29/2005	(405265)
118	09/14/2005	(440963)
119	09/29/2005	(418496)
120	10/18/2005	(468650)
121	11/18/2005	(468651)
122	12/06/2005	(433144)
123	12/19/2005	(468652)
124	01/09/2006	(438877)
125	01/18/2006	(438989)
126	01/19/2006	(468653)
127	02/07/2006	(453648)
128	02/09/2006	(439534)
129	02/15/2006	(453850)
130	02/15/2006	(468647)
131	02/21/2006	(454990)
132	02/22/2006	(455173)
133	02/25/2006	(456950)
134	02/28/2006	(457172)
135	02/28/2006	(456677)
136	02/28/2006	(457050)
137	03/06/2006	(435485)
138	03/22/2006	(468648)
139	03/27/2006	(343627)
140	04/17/2006	(468649)
141	05/12/2006	(498348)
142	05/17/2006	(463204)
143	05/22/2006	(464928)
144	05/26/2006	(460356)
145	05/26/2006	(460325)
146	05/26/2006	(460306)

147	05/26/2006	(460229)
148	05/30/2006	(459582)
149	05/30/2006	(460373)
150	06/19/2006	(498349)
151	07/10/2006	(498350)
152	07/18/2006	(486292)
153	07/24/2006	(481390)
154	07/26/2006	(487408)
155	07/28/2006	(487074)
156	08/03/2006	(460018)
157	08/03/2006	(460424)
158	08/04/2006	(401283)
159	08/22/2006	(520361)
160	08/25/2006	(489290)
161	09/21/2006	(520362)
162	09/22/2006	(513663)
163	11/08/2006	(513515)
164	11/14/2006	(519445)
165	11/21/2006	(531318)
166	12/19/2006	(519109)
167	12/29/2006	(518842)
168	02/05/2007	(536251)
169	02/12/2007	(536241)
170	02/13/2007	(531168)
171	02/14/2007	(511758)
172	02/16/2007	(531660)
173	02/22/2007	(512453)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

1	Date: 08/06/2003	(9803)		
	Self Report?	NO	Classification	Moderate
	Citation:	5C THC Chapter 382, SubChapter A 382.085(a)		
	Description:	Failure to control emissions due to operator error.		
	Date: 01/03/2005	(284608)		
	Self Report?	NO	Classification	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
		5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT #8586, Special Condition #1		
	Description:	Failure to prevent an unplanned safety valve relief during an inclement weather.		
2	Date: 01/04/2005	(342394)		
	Self Report?	NO	Classification	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
		5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT #20211, Special Condition #1		
	Description:	Failure to prevent an unplanned shutdown of a compressor resulting in unauthorized emissions.		
	Self Report?	NO	Classification	Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(8)		
	Description:	Failure to identify the preconstruction authorization number for the facility.		
3	Date: 01/10/2005	(342399)		
	Self Report?	NO	Classification	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
		5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT #8586, Special Condition #1		
	Description:	Failure to prevent a pump seal failure resulting in unauthorized emissions.		
	Self Report?	NO	Classification	Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(4)		
		30 TAC Chapter 101, SubChapter F 101.201(b)(8)		
4	Description:	Failure to comply with emissions events reporting requirements.		
	Date: 01/31/2005	(381986)		
	Self Report?	YES	Classification	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
		TWC Chapter 26 26.121(a)[G]		
	Description:	Failure to meet the limit for one or more permit parameter		
5	Date: 07/15/2005	(397081)		
	Self Report?	NO	Classification	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
		5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT Flexible Permit #20211, S.C. #1		
	Description:	Unauthorized emissions resulting from noncompliance to reporting requirements.		
	Self Report?	NO	Classification	Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(8)		
	Description:	Failure to identify the preconstruction number governing the facility involved in the		

6	Date: 07/21/2005	emissions event. (397089)		
	Self Report?	NO	Classification	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT Flexible Permit #20211, S.C. #1		
	Description:	Failure to prevent a pump seal leak.		
	Self Report?	NO	Classification	Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(8)		
	Description:	Failure to identify the preconstruction authorization number.		
7	Date: 08/25/2005	(397815)		
	Self Report?	NO	Classification	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT 8586, SC 3A		
	Description:	Failed to identify all components in heavy liquid service for the Polypropylene Unit.		
	Self Report?	NO	Classification	Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)		
	Description:	Failure to create a final record for a non-reportable emissions event within the time frame as required.		
	Self Report?	NO	Classification	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Description:	Failed to include reportable and non-reportable emissions events and start-up, shutdown, and maintenance activities in the Polypropylene Unit that occurred during the certification period as deviations in the deviation reports dated November 5, 2004 and May 6, 2005.		
8	Date: 08/26/2005	(397811)		
	Self Report?	NO	Classification	Minor
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT 20211, SC 0-4A		
	Description:	Failed to identify all components in heavy liquid service for the Butyl Polymers Unit.		
	Self Report?	NO	Classification	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Description:	Failed to include reportable and non-reportable emissions events and start-up, shutdown, and maintenance activities in the Butyl Polymers Unit that occurred during the certification period as deviations in the deviation reports dated November 5, 2004 and May 6, 2005.		
9	Date: 09/30/2005	(418496)		
	Self Report?	NO	Classification	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT No. 5710, General Condition #8		
	Description:	Failure to prevent unauthorized emissions due to inadvertent use of a leaking pipeline.		
10	Date: 03/06/2006	(435485)		
	Self Report?	NO	Classification	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT TCEQ Permit #20211, Special Condition 1		
	Description:	Failure to prevent the release of unauthorized emissions.		
11	Date: 07/21/2006	(487074)		
	Self Report?	NO	Classification	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT TCEQ Permit #4600, SC #1		
	Description:	Exxon failed to prevent water from coming in contact with the solenoid coils resulting in unauthorized emissions.		
12	Date: 07/24/2006	(481390)		
	Self Report?	NO	Classification	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Rqmt Prov:	PERMIT Effluent Limitations, No. 1		
	Description:	Failure to maintain compliance with the permitted effluent limits for oil and grease (O&G), Total Organic Carbon (TOC), and pH at Outfall 001.		
	Self Report?	NO	Classification	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Rqmt Prov:	PERMIT Other Requirements, No. 5, p. 14		
	Description:	Failure to conduct the additional effluent testing for Outfalls 001 and 003.		
13	Date: 07/31/2006	(520361)		
	Self Report?	YES	Classification	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		

		TWC Chapter 26 26.121(a)[G]		
14	Description:	Failure to meet the limit for one or more permit parameter		
	Date:	08/24/2006	(489290)	
	Self Report?	NO		Classification Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.223(a)(1)		
		5C THC Chapter 382, SubChapter D 382.085(b)		
15	Description:	Exxon failed to submit a CAP in a timely manner.		
	Date:	02/16/2007	(531660)	
	Self Report?	NO		Classification Moderate
	Citation:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)		
		5C THC Chapter 382, SubChapter D 382.085(b)		
	Description:	Failure to prevent VOC emissions from two leaking plugs		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EXXON MOBIL CORPORATION;
RN 102574803

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-0372-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Exxon Mobil Corporation ("Exxon Mobil") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Exxon Mobil represented by George Rizzo, Exxon Mobil Corporation, appear before the Commission and together stipulate that:

1. Exxon Mobil owns and operates a chemical plant located at 5000 Bayway Drive, Baytown, Harris County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Exxon Mobil agree that the Commission has jurisdiction to enter this Agreed Order, and that Exxon Mobil is subject to the Commission's jurisdiction.
4. Exxon Mobil received notice of the violations on or about February 27, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Exxon Mobil of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of twenty-two thousand sixteen dollars (\$22,016.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Exxon Mobil has paid twenty-two thousand sixteen dollars (\$22,016.00) of the administrative penalty.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Exxon Mobil have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Exxon Mobil has implemented the following corrective measures at the Plant in response to this enforcement action:
 - a. Submitted a Notification of Compliance Status ("NOCS") for the Benzene Hydrating Unit ("BHU") T-150 Steam Stripper on August 29, 2005;
 - b. Properly reported excursions of the column overhead temperature in periodic reports dated August 29, 2005 and February 28, 2006;
 - c. Submitted a NOCS for the BHU T-150 Steam Stripper on August 29, 2005;
 - d. Properly reported excursions of the column overhead temperature in periodic reports dated August 29, 2005 and February 28, 2006;
 - e. Revised the inspection recordkeeping system in November 2006 to ensure records of semi-annual inspection of individual drain systems are met in accordance with 40 CFR § 63.147(b)(1) and 30 Tex. Admin. Code § 115.146(2); and
 - f. Installed piping in February 2007 to provide supplemental btu value to Flare 24 to ensure that combined natural gas and waste streams to Flare 24 meets the net heating value of 300 Btu/scf, in accordance with 40 CFR § 60.11(b)(6)(ii).
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Exxon Mobil has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

Exxon Mobil is alleged to have violated:

1. 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); 40 CODE OF FEDERAL REGULATIONS (“CFR”) §§ 61.349(a)(2)(iii), 63.11(b)(6)(ii) and 63.113(a)(1)(i); TEX. HEALTH & SAFETY CODE § 382.085(b); Permit No. 4600, Special Condition No. 3A; and Permit No. O-1278, Special Condition Nos. 1A and 17 by failing to maintain the minimum net heating value of 300 British thermal units per cubic foot at standard operating conditions (Btu/scf) in the gas stream to Flare 24 for a total of 2,114 hours from February 1, through October 26, 2006.
2. 30 TEX. ADMIN. CODE §§ 115.146(2) and 122.143(4); 40 CFR § 63.147(b)(1); TEX. HEALTH & SAFETY CODE § 382.085(b); and Permit No. O-1278, Special Condition No. 1A by failing to maintain complete records of semiannual visual inspections of individual drain systems. Specifically, inspection records for the second quarter of 2005 and the third quarter of 2006 did not include records of the visual inspections of the piping from condenser E-89 to drum D-25 in the Naphta Rerun Unit.
3. 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); 40 CFR § 63.151(j)(2); TEX. HEALTH & SAFETY CODE § 382.085(b); Permit No. 20211, Special Condition Nos. 3-5; and Permit No. O-1278, Special Condition Nos. 1A and 17 by failing to submit an updated NOCS for the BHU T-150 Steam Stripper within 180 days after the change in the established operating range was made.
4. 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); 40 CFR § 63.146(d)(2); TEX. HEALTH & SAFETY CODE § 382.085(b); Permit No. 20211, Special Condition Nos. 3-5; and Permit No. O-1278, Special Condition Nos. 1A and 17 by failing to report excursions which occurred on the column overhead temperature of the BHU T-150 Steam Stripper in periodic reports dated December 15, 2004 and February 25, 2005.

III. DENIALS

Exxon Mobil generally denies each allegation in Section II (“Allegations”).

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Exxon Mobil pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Exxon Mobil’s compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner

from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Exxon Mobil Corporation, Docket No. 2007-0372-AIR-E" to:

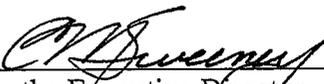
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Exxon Mobil. Exxon Mobil is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Exxon Mobil in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Exxon Mobil, or three days after the date on which the Commission mails notice of the Order to Exxon Mobil, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

January 15, 2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

10/9/08
Date

ZEB NASH
Name (Printed or typed)
Authorized representative of
Exxon Mobil Corporation

BTCP SITE MANAGER
Title